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Letter dated 12 February 2007 from the Permanent Representative of Slovakia to the United Nations addressed to the Secretary-General

I have the honour to inform you that during the presidency of Slovakia, the Security Council is scheduled to hold an open debate on the subject of cooperation between the Security Council and international organizations in the implementation of resolutions 1540 (2004) and 1673 (2006) on Friday, 23 February 2007.

Slovakia has prepared the attached concept paper to help guide the discussions on this subject (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Peter **Burian**
Ambassador
Permanent Representative of the Slovak Republic

07-23660 (E) 150207

Annex to the letter dated 12 February 2007 from the Permanent Representative of Slovakia to the United Nations addressed to the Secretary-General

Cooperation between the Security Council and international organizations in the implementation of resolutions 1540 (2004) and 1673 (2006)

Concept paper prepared for the open debate on 23 February 2007

Background

The proliferation of weapons of mass destruction, their means of delivery, and related materials constitutes a threat to international peace and security. This global threat has been addressed by the international community through multilateral legal instruments such as the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention. However, the elaboration of, adherence to, as well as the national implementation of such instruments is far from providing a universal and fool-proof net aimed at preventing the proliferation of nuclear, biological and chemical weapons, their means of delivery, and related materials.

With resolution 1540 (2004), the Security Council adopted the first international instrument that deals with weapons of mass destruction, their means of delivery, and related materials in an integrated and comprehensive manner. With the resolution 1540 binding obligations have been established for all States regarding non-proliferation and they are aimed at preventing and deterring illicit access to such weapons and weapon-related materials. The resolution requests all States to report on measures they have taken or intend to take to implement the obligations under the resolution.

As of today 135 UN Member States and one organization[1] have submitted their first national reports to the Committee established pursuant to resolution 1540 (2004). 85 states have provided additional information at the request of the Committee. 58 UN Member States have yet to submit their first report. After the extension of its mandate in April 2006, UN SC Committee established pursuant to resolution 1540 (2004) substantially widened and intensified its regional and sub-regional outreach activities. The main purpose of this approach was to provide, in a structured manner, guidance to States for preparing and submitting the national reports and fully implementing their obligations under resolutions 1540 (2004) and 1673 (2006). Several regional seminars were held in 2006, for example in Asia-Pacific, Africa and Latin America. In addition, workshops have been held in the Organization for Security and Cooperation in Europe (OSCE), Organization of American States (OAS), and the ASEAN Regional Forum. Foreseen activities in 2007 will continue to support outreach activities in regions and areas where specific needs have been identified, including to CARICOM members, the Pacific Islands, Non-reporting States which did not attend the Accra Seminar, MERCOSUR members and in the Middle East region.

However, there are limits to the 1540 Committee - it does not have the mandate to provide assistance directly to Member States in need, other than by offering the help of the expert group regarding some tasks related to the implementation of resolution 1540 (2004), such as reporting. The 1540 Committee

[1] The European Union

is trying to focus on facilitating the provision of assistance from donor states and other providers to those that could benefit from such assistance. Important work in support of national implementation has been undertaken by international organizations, especially the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW). The Chairman of the Committee also met with representatives of Interpol, the World Customs Organization (WCO) and the United Nations Inter-regional Crime and Justice Research Institute and discussed possible ways of interaction and co-operation between those organizations and the Committee. The 1540 Committee has invited the IAEA and OPCW to inform the Committee about their activities in assisting States to implement the CWC or respective conventions and agreements in the nuclear area. The Committee also co-operates with other regional and sub-regional organizations, as well as with those multilateral arrangements that cover aspects of resolutions 1540 (2004) and 1673 (2006). Those include establishing and enforcing effective measures to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials. By exchange of letters the Chairmen of the Organization for Security and Co-operation in Europe (OSCE), the Nuclear Suppliers Group (NSG), the Missile Technology Control Regime (MTCR), the Zangger Committee and the Executive Secretariat of the Hague Code of Conduct expressed their commitment to support fully the implementation of resolution 1540 (2004) by appropriate activities within their areas of concern.

Underlying motivation

In paragraph 5(b) of resolution 1673 (2006) the Security Council invites the 1540 Committee to explore with States and international, regional and sub-regional organizations experience-sharing and lessons learned in the areas covered by resolution 1540 (2004), and the availability of programmes which might facilitate the implementation of resolution 1540 (2004).

The results of work completed by the Committee thus far clearly indicate that resolution 1540 will not have been fully and universally implemented when the existing mandate of the Committee expires in April 2008. A phase of promotion of the aims of the two resolutions denominated accordingly as "outreach", must be followed by the phase of "assistance" in the implementation of all aspects of the two resolutions. At the same time, it is clear that the phase of "implementation" must happen at the national level. This task is too complex to be fulfilled by a single UN Security Council subsidiary body. Therefore, co-operation among, and even coordination of, some activities of various international, regional and sub-regional bodies should be put into practice.

Based on Slovakia's experience during the period of its Chairmanship of the 1540 Committee, and also referring to the Committee's Programme of Work, the basic underlying motivation for organizing an open debate on the issue of a *"Co-operation between the Security Council and International Organizations in the Implementation of Resolutions 1540 (2004) and 1673 (2006)"* is to create an opportunity for the UN Member States and the relevant invited organizations to share experience and lessons learned in the areas covered by resolutions 1540 (2004) and 1673 (2006).

Our intention is to look for possibilities of providing assistance to those states which have not yet submitted their national reports as well as to those with the most serious gaps in their national legislation and to discuss the areas of co-operation with those invited organizations that are directly

mentioned in the resolution 1540 (2004) and also regularly participate in outreach activities of the 1540 Committee.

Format

Open debate of the Security Council:

- UNSC members
- Chairman of the 1540 Committee
- USG for Disarmament Affairs
- IAEA, OPCW and WCO representatives (high-level participation)
- Other interested UN Member States (some of which will speak on behalf of regional organizations or other groups of States that have focused on implementation of resolution 1540 (2004) in co-operation with the Committee)

Objective

On 13 April 2005, the Director-General of the OPCW and the IAEA representatives informed the Committee about the activities of their organizations, especially in the areas of assistance provided to improve the national implementation of the obligations under the CWC, the NPT and conventions on nuclear safety and security.

In February 2007 it will be almost two years since that meeting was held (quite a lot of time has passed also since the adoption of resolution 1673 (2006) and the extension of the Committee's mandate) and given the importance of the work of these organizations as mentioned above, the delegation of Slovakia proposes to hold an open debate of the Security Council with representatives of IAEA, OPCW and WCO to:

- get an update on programmes and activities of these organizations which are relevant for the objectives of resolution 1540 (2004);
- discuss possible ways to enhance interaction and co-operation of these organizations with the Security Council in the effort to implement the resolution in a comprehensive manner.

An open debate of the Security Council is proposed for the following reasons:

- to promote exchanges of information and dialogue on assistance (the only meeting that took place in April 2005 was restricted only to members of the Security Council, whereby the Security Council implementation efforts concerning resolution 1540 (2004) can only be effective if all States who may require technical assistance are aware of the help available to them),
- encourage States to make use of the assistance programmes offered by the OPCW, the IAEA and other international organizations,
- transparency and openness.